

Assembly Bill No. 255

CHAPTER 213

An act to amend Section 25217.2 of the Health and Safety Code, relating to hazardous waste.

[Approved by Governor September 6, 2011. Filed with
Secretary of State September 6, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 255, Wieckowski. Hazardous waste: latex paint: collection facility.

(1) Existing law generally prohibits any person from disposing of latex paint, unless authorized, but allows recyclable latex paint to be accepted at any location if specified requirements are met concerning the management of that paint. Existing law authorizes the Department of Toxic Substances Control to allow a household hazardous waste collection facility to accept hazardous waste from a conditionally exempt small quantity generator (CESQG) under specified conditions. A violation of the requirements concerning hazardous waste is a crime.

This bill would allow a permanent household hazardous waste collection facility that is authorized to accept hazardous waste from a CESQG to accept recyclable latex paint from any generator, notwithstanding specified provisions and regulations, if the permanent household hazardous waste collection facility complies with certain requirements. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 25217.2 of the Health and Safety Code is amended to read:

25217.2. (a) Recyclable latex paint may be accepted at any location, including, but not limited to, a permanent household hazardous waste collection facility in accordance with subdivision (b), if all of the following conditions are met:

(1) The location manages the recyclable latex paint in accordance with all applicable latex paint product management procedures specified by federal, state, or local law or regulation which include, at a minimum, that

the recyclable latex paint is stored and handled in a manner that minimizes the chance of exposing the handler and the environment to potentially hazardous constituents that may be in, or have been incidentally added to, the recyclable latex paint.

(2) Any latex paint that is accepted as recyclable by the location and which is later discovered to be nonrecyclable shall be deemed to be a waste generated at the location where this discovery is made and this latex paint shall be managed as a waste in accordance with this chapter.

(3) The owner or operator of the location has a business plan that meets the requirements of Section 25504, if required by the administering agency, including, but not limited to, emergency response plans and procedures, as described in subdivision (b) of Section 25504. The plans and procedures shall specifically address recyclable latex paint or meet the department's emergency response and contingency requirements which are applicable to generators of hazardous waste.

(4) If the recyclable latex paint is not excluded or exempted from regulation under Chapter I (commencing with Section 1.1) of Title 40 of the Code of Federal Regulations, the location meets all applicable federal requirements.

(b) (1) For purposes of this subdivision the following definitions shall apply:

(A) "CESQG" means a conditionally exempt small quantity generator, as specified in subdivision (a) of Section 25218.1.

(B) "Permanent household hazardous waste collection facility" has the same meaning as defined in subdivision (h) of Section 25218.1.

(2) A permanent household hazardous waste collection facility that is authorized to accept hazardous waste from a CESQG pursuant to Section 25218.3 may accept recyclable latex paint from any generator in accordance with this article if the permanent household hazardous waste collection facility does all of the following:

(A) Complies with subdivision (a).

(B) Sends the recyclable latex paint, for recycling, to a latex paint recycling facility operating pursuant to this article.

(C) Maintains a monthly log of the volume of latex paint collected from each generator and submits that information annually with the report submitted pursuant to Section 25218.9 for household hazardous waste collected from household hazardous waste generators.

(3) A permanent household hazardous waste collection facility that takes the actions specified in paragraph (2) is not subject to subdivision (b) of Section 25218.3.

(4) A permanent household waste collection facility may take the action specified in paragraph (2) notwithstanding any permit condition imposed upon the facility, a regulation adopted by the department to ensure a household hazardous waste collection facility does not accept hazardous waste from a commercial generator other than a CESQG, or the status of the generator.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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